



May 13, 1999

Mr. Robert A. Schulman
Schwartz & Eichelbaum
700 N. St. Mary's, Suite 1850
San Antonio, Texas 78205

OR99-1324

Dear Mr. Schulman:

You ask this office to reconsider its rulings in Open Records Letter Nos. 99-0445 (1999) and 99-0699 (1999). Your request for reconsideration was assigned ID# 124992.

The United Independent School District (the "district"), which you represent, received a request for information relating to a sexual harassment investigation. In Open Records Letter No. 99-0445, this office determined that the district had not demonstrated that the information at issue was protected by section 552.103 of the Government Code, the "litigation exception." In your first request for reconsideration, you notified us that a new EEOC complaint had been filed against the district. Based on this change in circumstances, you reasserted your argument that section 552.103 should be applicable to the information at issue. In Open Records Letter No. 99-0669, we concluded that you had not timely notified us of the change in circumstances, and we therefore affirmed Open Records Letter No. 99-0445.

You now provide us with additional information in an attempt to demonstrate that you timely notified us of the change in circumstances. Having considered this additional information, we affirm Open Records Letter Nos. 99-0445 and 99-0669. The district must release the information at issue without delay. If you have questions about this ruling, please contact our office.

Sincerely,

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 124992

encl. Submitted documents

cc: Mr. Sergio "Keko" Martinez
1420 San Bernardo
Laredo, Texas 78040
(w/o enclosures)